

Appln. No. 10/029,326

Attorney Docket No. 10541-282

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II. Remarks

In response to the final Office Action mailed February 9, 2007, kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicant requests reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. Claim 23 has been amended. Thus claims 1-24 are pending and are at issue herein. In view of the following remarks, favorable reconsideration of this application is requested.

CLAIM REJECTIONS UNDER 35 USC § 102

Claims 1-6, 23 and 24 stand rejected under 35 U.S.C. §102(e) as being anticipated by the Morohashi reference (U.S. Publication No. 2005/0141367). Claim 1 recites, among other things, a personal computer network interface adapted to facilitate transfer of encoded audio files to an external storage device on a network. Claim 1 also recites a person computer bus providing a shared common pathway for transmitting data directly between the storage medium and the data expander and the audio output in the network interface, the data expander being directly connected to both the storage medium and the personal computer bus.

The Office Action asserts on page 3 that the Morohashi reference discloses a personal computer network interface in Fig. 5 (element 101). The Office Action asserts that the data on the portable recording and playback apparatus 70 can be returned back to the music server 50, which in turn is connected to a network such as the internet.

It is respectfully submitted that the interface driver 101 of the recording and playback apparatus 70 in the Morohashi reference is not a personal computer network interface as claimed. The mere fact that the interface driver 101 is used to connect the apparatus 70 to the music server 50, while in turn the music server 50 presumably has a network interface (although not explicitly disclosed), is insufficient

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to read on claim 1. This interconnection of server 50 and apparatus 70 does not convert the interface driver 101 into a network interface for transferring audio files over a network. Only music server 50 is disclosed as having a network interface.

The Office Action also asserts on page 3 that the limitation of the data expander being directly connected to the storage medium is met because the compression decoder 115 is connected to the HDD 106 via computer bus 130. The Office Action creatively states "the bus makes a direct connection from the HDD to the compression decoder and the compression decoder is directly connected to the bus".

In the present application, Fig. 2 discloses that the data expander 30 is directly connected to the storage medium 28 without the interposition of the PC bus 32. The Office Action has completely read the word "directly" out of the claim when it asserts that the limitation is met by the decoder 115 being directly connected to the bus 130, which in turn is directly connected to the HDD 106.

For these reasons, it is respectfully submitted that the Morohashi reference fails to disclose both a personal computer network interface, and a personal computer bus, as recited in claim 1. Favorable reconsideration of independent claim 1, as well as its dependent claims, is respectfully requested.

The Applicant also directs the Examiner's attention to claim 23, which recites that the personal computer bus is a parallel bus directly connected to each of the storage medium, the data expander, the audio output and the network interface. To the contrary, as shown in Fig. 5 of the Morohashi reference, the bus 130 is not directly connected to the audio output. For these additional reasons, favorable consideration of dependent claim 23 is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC § 103

The remaining claims stand rejected over the Morohashi reference as modified by the Janik reference.

With regard to independent claim 11, the Office Action asserts that the Morohashi reference discloses a person computer network interface and a personal computer bus. The undersigned respectfully disagrees, and therefore reiterates all

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of the remarks given above with regard to independent claim 1. The recording and playback apparatus 70 of the Morohashi reference does not itself include a network interface as defined in the claims and as is known to those skilled in the art (the presumable inclusion of a network interface in the music server 50 does not mean the apparatus 70 includes a network interface). Further, the data expander is not directly connected to the storage medium (the grammatical creativity of the Examiner does not change the fact that in Fig. 5 the compression decoder 115 is not directly connected to the HDD 106 or the DRAM 107).

The Office Action notes on page 9 that the Morohashi reference fails to disclose that the recording and playback apparatus 70 is for connection to a computer network to provide local playback of decoded audio files over the network without the need to copy the encoded data files to the external device. However, on page 10 of the Office Action, it is asserted that the Janik reference discloses a unit 14 which has a wireless LAN network interface 114. The Office Action asserts that the reason to provide the apparatus 70 of the Morohashi reference with the wireless LAN network interface 114 of the Janik reference per paragraph 46 of Janik, is to provide information transfer between the home PC 18 and the playback system 10.

Even assuming the Office Action's reasoning is correct, and the interface driver 101 of Morohashi's recording and playback apparatus 70 can be replaced with the wireless LAN network interface 114 of the Janik reference, the limitations of independent claim 11 are still not met. Claim 11 recites that the network interface provides local playback of decoded audio files over the network without the need to copy the encoded audio data files to the external device. The recording and playback apparatus 70 of the Morohashi reference, as shown in Fig. 5, only provides a compression decoder 115 which receives information from the computer bus 130 and provides it to the audio output. That is, the compression decoder 115 does not provide any information to the bus 130 or any other portion of the apparatus 70 other than the audio output.

Accordingly, even if the Morohashi and Janik references were combined as proposed by the Office Action, the resulting apparatus would still be incapable of providing local playback of decoded audio files over the network without the need to copy the encoded audio data files to the external device, as recited in claim 11.

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For all these reasons, favorable reconsideration of independent claim 11, as well as its dependent claims, is respectfully requested.

With regard to claim 15, the Office Action acknowledges that the Morohashi reference does not disclose that the recording and playback apparatus 70 is capable of selective operation as an addressable member of a wide or local area computer network, and as an in-dash vehicle audio player, or that the apparatus 70 includes a network protocol adapted to allow other members of the network to access the storage medium of the apparatus, or that the network interface is adapted to operably connect the apparatus to the network and allow the apparatus to function as a server on the computer network. However, the Office Action proposes modifying the Morohashi reference with the Janik reference to include the wireless LAN network interface 114, making the apparatus 70 capable of connecting to other computers on a WAN or LAN, and assertedly allowing for the sharing of files and remote playback over the LAN without storage of files. The Office Action further modifies the Morohashi apparatus 70 with the Stern reference (U.S. Patent No. 6,539,417), asserting that streaming of music is a well known implementation.

First, the Applicant reiterates the remarks given above in that even if the Morohashi apparatus 70 is modified by the Janik reference (such as by replacing element 101 with the wireless LAN interface 114) the modified Morohashi reference 70 is still incapable of streaming music as claimed.

Second, the Morohashi, Janik and Stern references, when considered as a whole and for all they disclose (see MPEP Section 2141.02), they teach away from the combination proposed by the Examiner. Notably, the Morohashi reference is primarily directed to a music server 50 which is utilized to connect to the internet and serve music. Accordingly, in the Morohashi reference, there is no need for the recording and playback apparatus 70 to function as a music server. The Janik reference also teaches away from operating the apparatus 70 as a server. As suggested by the Office Action, the music server 50 is similar to the personal computer disclosed in the Janik reference, and therefore there is no need for another music server. Unlike the cited art, the present invention provides an audio storage and reproducing apparatus that cannot only serve as a personal player and a vehicle player, but also is operable to serve music over the network.

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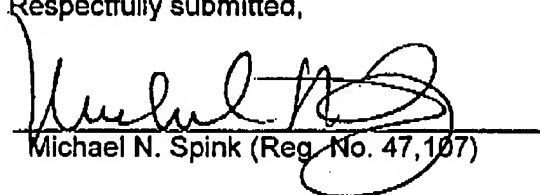
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CONCLUSION

In view of the preceding amendments and remarks, the Applicant respectfully submits that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, Applicant respectfully requests that the Examiner contact the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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Date
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